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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/885,720	06/19/2001	Pierfrancesco La Mura	COM-003CIA	3300

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10/04/2002

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EXAMINER

FELTEN, DANIEL S

ART UNIT

PAPER NUMBER

3624

DATE MAILED: 10/04/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/885,720

Applicant(s)
La Mura et al

Examiner
Daniel Felten

Art Unit
3624



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jun 19, 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shoham (US 6,285,989 B1) in view of Ausubel (US 5,905,975).

Regarding claims 1 and 5-9:

Shoham discloses in a computer device, an online auction system having at least one seller and at least one buyer, the auction system (see Shoham, Abstract)

a) an interface module (*Application Program Interface (API)*--510) configured to provide a user interface between the seller and the bidder (see Shoham, fig. 1, col. 10, ll. 14-24);

b) a transaction module operatively coupled for communication to the interface module configured to manage transaction associated with moves made by the seller and bidder

1 in conjunction with a sale of an item by the seller (see Shoham, *Programmable Auction Server*
2 (*PAS*), col. 5, ll. 28-35; and col. 9, ll. 30 to col. 10, ll. 24);

3 c) a mechanism module operatively coupled for communication to the transaction
4 module, the mechanism module defining at least one auction rule (*Trading Primitives*), and
5 transaction module further configured to carry out transactions according to the auction rule
6 defined by the mechanism module (see Shoham, *Market Specification Console*, col. 5, ll. 66 to
7 col. 9, ll. 27);

8 the mechanism module comprises rule defining programing associated with temporal
9 negotiation transactions (Table 2--*Start negotiation phase/Conclude negotiation*), the rule
10 defining programing configured to receive a bid offer from a bidder for an item for sale (Table
11 2--*Submit Bid*), the rule defining programing configured to receive in conjunction with the bid
12 offer a bid to cancel the bid (Table 2--*Withdraw Bid*) offer when the bid expiration condition is
13 met the rule defining programming configured to receive a sale offer from a seller for an item
14 for sale (Table 2--*Make Bilateral Offer*), the rule defining programming configured to receive
15 in conjunction with the sale offer a sale expiration condition for the sale offer, the said rule
16 defining programming configured to cancel the sale offer when the sale expiration condition is
17 met (see Shoham, *Market Specification Console*, col. 5, ll. 66 to col. 9, ll. 27, esp. Table 2 in
18 col. 7 and 8);

19 as further disclosed in claim 5, the mechanism defining programming associated with
20 bundle-based auction transactions, the rule defining programming configured to receive from a
21 seller a plurality of goods for sale....(see Shoham, *Market Specification Console*, col. 5, ll. 66
22 to col. 9, ll. 27);

1 as further discloses in claim 6, configured to auction items in a round of bidding, a set
2 of auctioned items at each round of bidding...(see Shoham, *Market Specification Console*, col.
3 5, ll. 66 to col. 9, ll. 27);

4 as further discloses in claim 7, auctioning items and prizes to individual participants
5 and teams of participants....(see Shoham, *Market Specification Console*, col. 5, ll. 66 to col. 9,
6 ll. 27);

7 as further discloses in claim 8, determining reserve prices based on bids made and a
8 integrate the benefit of a customer conversation into a reserve prices computation....(see
9 Shoham, *Market Specification Console*, col. 5, ll. 66 to col. 9, ll. 27);

10 Shoham fails to disclose wherein the rule defining is configured to reveal and to seal
11 bids. This feature is disclosed by Ausubel (see Ausubel, col. 1, ll. 61+). Since Shoham does
12 disclose a high versatile auction system wherein in the user is able to customize various auction
13 parameters and configurations, it would have been obvious for an artisan of ordinary skill at
14 the time of the invention of Shoham to integrate the sealed bidding format as disclosed by
15 Ausubel, because an artisan at the time of the invention of Shoham would have recognized the
16 convenience to the participant of having greater flexibility in bidding as well as security that
17 desired bids will be received by the system. Thus such a modification would have been an
18 obvious expedient well within the ordinary skill in the art.

19
20 **Regarding claim 2:**

21 the seller and the buyer can retract the bid offer and can retract the sale offer at any time
22 before the bid offer is accepted and at any time before the sale offer is accepted (see Shoham,
23 *Market Specification Console*, col. 5, ll. 66 to col. 9, ll. 27; see Table 2, col. 7 & 8).

1 **Regarding claim 3:**

2 wherein bartering (*negotiating*) of goods is supported and where participants can offer the
3 exchange of goods as part of the participants offer (see Shoham, *Market Specification Console*,
4 col. 5, ll. 66 to col. 9, ll. 27).

6
7 **Regarding claim 4:**

8 composite offers are supported, the composite offers include both the bartering and monetary
9 offers (see Shoham, *Market Specification Console*, col. 5, ll. 66 to col. 9, ll. 27).

10
11 **Conclusion**

12
13 3. A list of relevant prior art appears below not relied upon in this Office Action:

14 **US Patents:**

15 Friedland et al (US 6,449,601 B1) Discloses a Distributed Live Auction

16 Fisher et al (US 5,835,896) Discloses a method and system for processing and transmitting
17 electronic information

18 Brown (US 5,794,219) Discloses a method of conducting an on-line auction with bid pooling

19 Walker et al (US 5,794,207) Discloses a method and apparatus for conditional purchase offers

20 4. Any inquiry concerning this communication or earlier communications from the examiner
21 should be directed to ***Daniel S. Felten*** whose telephone number is (703) 305-0724. The
22 examiner can normally be reached between the hours of 7:00AM to 5:30PM Monday-Thursday.

23 Any inquiry of a general nature relating to the status of this application or its proceedings should

1 be directed to the Customer Service Office (703) 306-5631, or the examiner's supervisor
2 **Vincent Millin** whose telephone number is (703) 308-1065.
3

4 5. Response to this action should be mailed to:
5


6 Commissioner of Patents and Trademarks

7 Washington, D.C. 20231
8

9 for formal communications intended for entry, or (703) 305-0040, for informal or draft
10 communications, please label "Proposed" or "Draft".

11 Communications via Internet e-mail regarding this application, other than those under 35
12 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be
13 addressed to [daniel.felten@uspto.gov].

14 All Internet e-mail communications will be made of record in the application file. PTO
15 employees do not engage in Internet communications where there exists a possibility that
16 sensitive information could be identified or exchanged unless the record includes a properly
17 signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly
18 set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and
19 Trademark on February 25, 1997 at 1 195 OG 89.
20

21 

22 DSF

23 September 29, 2002


VINCENT MILLIN
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